

# THE CORPORATION OF THE TOWN OF COCHRANE

BY-LAW NUMBER 124-2001

## A BY-LAW TO PROVIDE FOR THE LICENSING, REGULATION, AND REGISTRATION OF DOGS

**WHEREAS** the *Dog Owners Liability Act*, the *Animals for Research Act*, the *Pounds Act*, and the *Municipal Act*, contain certain provisions relating to dogs, including provisions enabling municipalities to pass by-laws relating to dogs;

**AND WHEREAS** the Council of the Corporation of the Town of Cochrane deems it desirable to pass a by-law to provide for the licensing, regulation and registration of dogs within the municipal boundaries of The Corporation of the Town of Cochrane;

**NOW THEREFORE** the Council of the Corporation of the Town of Cochrane enacts as follows:

### TITLE

1. This By-law may be referred to as **The Dog Control By-law**.

### DEFINITIONS

2. (a) "**Animal Control Officer**" shall mean the person or persons appointed by the Council of the Corporation of the Town of Cochrane and authorized to enforce the provisions of this By-law.
- (b) "**Dog**" means any member of the species **CANIS FAMILIARIS**.
- (c) "**Guard dog**" means any dog left unattended for any portion of a day or night in business, commercial or industrial premises.
- (d) "**Guard Dog Service**" means any person who provided guard dogs whether on a permanent or temporary basis to the owner of business, commercial or industrial premises, and "service" has a corresponding meaning.
- (e) "**Guide Dog**" means a dog that is trained to aid the physically challenged and actively used for such purpose.
- (d) "**Kennel**" means:
  - (i) a place or confine where mixed breed dogs and/or pure-bred dogs are bred, stored or raised and, in the case of pure-bred dogs, registered in the Register for the Canadian Kennel Club Incorporated, or
  - (ii) a place or confine where dogs are bred or raised as a recognized class, or as a class designated as "pure-bred" in the regulations of the aforesaid club.
- (e) "**Licence**" for the purpose of this by-law shall be deemed to be the receipt issued by the Treasurer of The Corporation of the Town of Cochrane or his/her authorized agent, upon payment of the

appropriate tax or licence fee.

- (f) "**Mixed breed**" shall include any dog other than a Pure-bred dog.
- (g) "**Owner**" shall include any person who owns, possesses or harbours or controls a dog or dogs, and "owns" or "owned" shall have a corresponding meaning and shall include a person or persons who are temporarily the keeper of a dog or dogs. Where the Owner of a dog or dogs is a minor, the person responsible for the custody of the minor shall be deemed to be the owner of the dog or dogs.
- (h) "**Person**" shall mean any individual, firm, incorporated group, business entity or club to whom the context can apply.
- (i) "**Police Work Dog**" shall mean a dog trained to aid law enforcement officers and is actually being used for police work purposes for the protection of the public, including the investigation of crime and the apprehension of law violators.
- (j) "**Pound**" shall mean such premises and facilities designated by the Council of The Corporation of the Town of Cochrane as a Town Pound.
- (k) "**Poundkeeper**" shall mean a person or persons appointed by the Council of The Corporation of the Town of Cochrane to maintain and administer the pound.
- (l) "**Pure-bred**" shall mean bred from stock having no admixture as certified by a competent authority.
- (m) "**Regulations**" means the regulations made under:  
*The Municipal Act, R.S.O., 1990, Chapter 45*  
*Animals for Research Act, R.S.O., 1990, Chapter A22*  
*Dog Owners Liability Act, R.S.O., 1990, Chapter D16*  
*The Pounds Act, R.S.O., 1990, Chapter P17*  
*The Health Protection and Promotion Act, R.S.O., 1990, Chapter H7*  
 and any other applicable laws, as may be amended from time to time.
- (n) "**Rural Area**" means that area in the Town of Cochrane as defined in Schedule "A" to this By-law, as amended from time to time.
- (o) "**Society**" or "**Humane Society**" means the branch of the Ontario Humane Society, (Ontario Society for the Prevention of Cruelty to Animals).
- (o) "**Supply Facility**" means premises, other than a research facility, that are used for the breeding and rearing of animals pursuant to a contract between the operator thereof and the operator of a research facility.
- (p) "**Town of Cochrane**" means both the rural and urban areas of the Town of Cochrane.
- (q) "**Urban Area**" means that area in the Town of Cochrane as defined in Schedule "A" to this By-law, as amended from time to time.

### DOG LICENSING, REGULATION AND REGISTRATION

3. (a) No person or resident in the Town of Cochrane shall be an owner of a dog without having registered that dog, and without having obtained

a licence and without having paid the necessary licence fees prescribed in Schedule "B" to this By-law. Such licences shall be obtained from the Corporation of the Town of Cochrane. Annual licences for multiple dogs in Rural Areas or Kennel Licences as shown in Schedule "B" shall be renewed annually on or before the 31st day of January in each and every year upon payment to the Corporation of the licence fee calculated in accordance with Schedule "B" attached to this By-law. Lifetime licences as provided for in Schedule "B" shall be obtained, within 30 days of the birth of a dog, or within 10 days of receipt of a dog.

- (b) On payment of the licence fee in accordance with subsection (a) of this section, the Corporation of the Town of Cochrane or its authorized agent, shall issue for each dog so registered, a serial numbered licence tag and shall cause the name of the owner, his or her address, and the number of his or her permit, to be entered in a book to be kept for that purpose.
- (c) Every owner shall affix to his or her dog the licence tag issued in accordance with subsection (b) of this section and shall keep such tag affixed on the dog at all times.
- (d) No licence tag or registration under this section shall be transferable and the licence tag shall expire and become void upon the sale, death, or other transfer or disposal of the dog.
- (e) Every annual licence under this section shall expire on the 31st day of December next following the date of issue.
- (f) No person other than the owner or his/her agent shall remove the licence tag from the dog.
- (g) Every applicant for a licence tag for a spayed female dog or a neutered male dog, shall produce to the Corporation of the Town of Cochrane, or its authorized agent, at the time of making application, a certificate of a veterinary surgeon that such female dog has been spayed, or that such male dog has been neutered.
- (h) The replacement fee for a lost licence tag is set out in Schedule "B" to this By-law.

#### **IDENTIFICATION OF DOGS**

- 4. Any person who is so required by the Corporation of the Town of Cochrane, or its authorized agent, shall forthwith deliver to the Corporation of the Town of Cochrane, or its authorized agent, a statement in writing showing the number of male dogs, neutered male dogs, female dogs, and spayed female dogs owned by such person or which are habitually kept upon the premises for which such person is assessed as owner or otherwise.

#### **RESTRICTIONS ON NUMBER OF DOGS**

- 5. (a) No person shall keep more than a total of two dogs in any Urban Area within the Town of Cochrane.
- (b) This section does not apply to:
  - (l) the operation of a licensed kennel for the purpose of breeding or boarding animals,

- (ii) an animal hospital owned and operated by a veterinarian licensed by the Ontario Veterinarian Association,
- (iii) a pet store,
- (iv) an Ontario Humane Society shelter, or the pound, which complies with the current Town of Cochrane Zoning By-law.

### **KENNELS**

6. (a) Notwithstanding the provisions of Section 3, Subsection (a) of this By-law, the owner of a kennel in an Urban Area may pay a total annual licence fee to operate a kennel in accordance with Schedule "B" of this by-law in lieu of the licence fees for individual dogs imposed by Section 3 aforesaid provided that the owner of such kennel holds a current kennel licence issued by the Corporation of the Town of Cochrane.
- (b) Any new applicant for a kennel licence for a kennel not previously licensed must first obtain clarification that the property location of such kennel complies with the requirements of the current Corporation of the Town of Cochrane Zoning By-law or Official Plan, as amended, failing which, any application shall be denied.

### **CONTROL OF DOGS**

#### **7. Leashing of Dogs**

- (a) No owner of a dog shall, at any time, permit that dog to be on any other land in the Town of Cochrane other than that of the owner's land without keeping that dog leashed and under the control of some person unless prior consent is given by the person owning the land on which the dog is found.

#### **Trespass of Dogs**

- (b) No owner of a dog shall, at any time when the dog is leashed permit that dog to enter upon premises other than upon premises of the owner of the dog.

#### **Dogs Running At Large**

- (c) No owner of a dog shall permit that dog to run at large within the Town of Cochrane. For the purposes of this by-law a dog shall be deemed to be running at large if found in any place other than the premises of the owner of the dog, and not leashed and under the control of any person contrary to Subsection 7(a) above.
- (d) A dog shall not be considered to be running at large if it is a guide dog or a police work dog, or if it is a hunting dog accompanied by the owner or other responsible adult and is actively engaged in hunting or training for hunting, on unposted land, or on posted land with the permission of the owner.

#### **Capturing of Dogs at Large**

- (e) Any dog running at large contrary to the provisions of this by-law may be captured by the Animal Control Officer and impounded.
- (f) Any person may capture any dog running at large and trespassing on

his/her property and deliver same to the Animal Control Officer, who shall impound the said dog.

- (g) An Animal Control Officer or other duly appointed officer, may enter on any public property, or on private property with the consent of the owner or tenant of the property, for the purpose of catching any dog running at large contrary to the provisions of this by-law.

#### **Impounding of Dogs**

- (h) For the impounding of all dogs under the provisions of this by-law, a Pound shall be established which complies with the regulations made pursuant to the *Animals for Research Act* and *The Pounds Act* and under the care and control of the Poundkeeper, whose duty it shall be to impound all dogs brought to him or her or found by him or her to be running at large contrary to this by-law, and which have not been returned to their owner and to dispose of the same as hereinafter provided. He or she shall also keep a record of all dogs impounded and how disposed of, and make report as required to the Council of The Corporation of the Town of Cochrane or such Officer as may be designated by the said Council, showing the number of dogs impounded, how disposed of and the amount collected for poundage fees.
- (i) It shall be the duty of the person appointed as Poundkeeper to impound and confine all dogs captured for impoundment pursuant to the provisions of this by-law, where they shall be confined, subject to the right of the owner to redeem the dog within three days from the time of impounding, exclusive of holidays and the day of impoundment. Any impounded dog shall be redeemed by paying to The Corporation of the Town of Cochrane, or its authorized agent, the poundage fees prescribed in Schedule "C" of this by-law as well as all costs and fees required to comply with section 3(a) of this By-law and in the event the same are not redeemed within three days as aforesaid, the dog shall become the property of The Corporation of the Town of Cochrane who may dispose of it as it deems fit, and in any event, no damages or compensation shall be recovered by any Owner on account of its killing.
- (j) Where a dog captured under this section is injured or should be destroyed without delay for humane reasons or for reasons of safety to persons or animals, the Animal Control Officer or other duly appointed officer shall kill the dog in a humane manner as soon after capture as he or she thinks fit without permitting any person to reclaim the dog and in that event no damages or compensation shall be recovered by any Owner on account of its killing.

#### **Proclamations Regarding Dogs**

- (k) It shall and may be lawful for the Mayor or Head of Council at any time in his or her discretion with the assent of the Council of The Corporation of the Town of Cochrane, and with the direction of the Medical Officer of Health, whenever the disease of rabies is prevalent, to issue a proclamation directing all dogs to be confined, tied up or muzzled for a limited period of time to be named in such proclamation, within the Town of Cochrane, and during the period of time so named in such proclamation it shall and may be lawful for an Animal Control Officer to kill or tranquilize any dog which may be at large or is suspected of being rabid during such period.
- (l) Any dog known to be rabid or suspected of being rabid shall be placed in quarantine, or it shall be killed in such manner that the brain is not

damaged and the head shall be submitted to a laboratory for diagnosis.

### **Biting Dogs**

- (m) Any dog which has a propensity to bite any person, dog, or any domestic animal, or has bitten a person shall be controlled at all times and the Animal Control Officer may, by written order, require the muzzling or leashing of a dog after it has bitten a person or a domestic animal, and thereafter that dog shall, at all times, be subject to such written Order. Any owner may request, and is entitled to a hearing by the council or a committee thereof or the animal control office of the Municipality if so delegated by council, which or who may exempt the owner from the muzzling or leashing requirements, or both.
- (n) Where a dog is alleged to have bitten any person, dog, or any other domestic animal, such dog may be impounded on the order of the Animal Control Officer and held by the Poundkeeper until the proceedings referred to in *the Dog Owners Liability Act, R.S.O., 1990*, *the Health Protection and Promotions Act, R.S.O., 1990*, and *the Municipal Act, R.S.O., 1990*, have been completed.
- (o) When a dog is known to have bitten a person, the Medical Officer of Health may order the Corporation of the Town of Cochrane, or its agent, to confine the dog under supervised quarantine for a period not to exceed ten days, pursuant to *the Health Protection and Promotion Act, R.S.O., 1990*, Chapter H.7.

### **Guard Dogs**

- (p) (1) Every person who causes or permits a guard dog to be kept on a permanent or temporary basis on any premises shall report the same in writing to the Animal Control Officer at least 30 days, excluding statutory holidays, prior to commencing to keep the guard dog.
- (2) Every Guard Dog Service providing service to any premises shall forthwith report the same in writing to the Chief Animal Control Officer.
- (3) The report required by subsections 7(p)(1) and (2) of this By-law shall be addressed to the Town and shall contain the following information:
  - (i) the municipal address at which the guard dog is to be located;
  - (ii) the number of guard dogs to be kept on the premises;
  - (iii) the name, address and telephone number of the Guard Dog Service, and
  - (iv) the name, address and telephone number of the owner of the premises where the guard dog is provided

### **Dog Barking Prohibited**

- (q) (1) For the purposes of this section, the words "unusual noises" and "noises which disturb, or are of a type which shall or can disturb" mean and include, but are not limited or restricted to:

- (i) any dog barking which is not usual or common, or
- (ii) unduly prolonged barking, or
- (iii) frequent and continued howling

which unduly disturb, bother or inconvenience, or which are likely to unduly disturb, bother or inconvenience any neighbour or nearby resident of the person owning, possessing, harbouring or controlling that dog or which frequently disturbs or interrupts or which is likely to disturb or interrupt the sleep or other activities of any such neighbour or nearby resident.

- (2) No person who owns a dog shall allow the dog, at any time in the Town of Cochrane to make unusual noises or noises which disturb, or are of a type which shall or can disturb, the inhabitants of the Town of Cochrane.

#### **Owners to Clean Dog Refuse**

- (r) (1) No dog owner and no person who has control of a dog shall leave excrement deposited by the dog on or in the following premises:
  - (i) public place,
  - (ii) private property without the consent of the owner of said property.
- (2) The dog owner or person referred to in subsection 7(r)(1) shall immediately and without delay, remove the excrement and provide for its sanitary disposition.

### **PENALTIES**

#### **Where a Dog is not Impounded**

- 8. Where an Animal Control Officer is unable to seize any dog identified and found to be running at large or any dog in contravention of any other provision of this by-law and the owner of such dog is known to the Animal Control Officer, or any other person, the owner may be charged in accordance with the provisions of this By-law.

#### **Where a Dog is Seized and Impounded**

- 9. (a) Subject to Section (b), an Animal Control Officer may seize and impound any dog found running at large. Where any dog is seized and impounded the owner may also be charged in accordance with the provisions of this by-law. The Poundkeeper shall restore possession of the dog to the owner thereof where:
  - (i) the owner claims possession of the dog within 3 days, (exclusive of statutory holidays and weekends) after the date of seizing, and
  - (ii) the owner pays The Corporation of the Town of Cochrane or its agent poundage fees in accordance with Schedule "C" to this by-law, and
  - (iii) the owner provided proof of compliance of all licensing requirements as provided for in section 3(a) of this By-law

- (b) Where a dog seized and impounded is injured or should be destroyed without delay for humane reasons or for reasons of safety to persons or animals, the Animal Control Officer may kill the dog in a humane manner as soon after seizure as he or she thinks fit without permitting any person to reclaim the dog, and then in that event no damages or compensation shall be recovered on account of its killing;
- (c) Any dog impounded and detained under this by-law may be destroyed after three (3) days have elapsed, excluding the day it was detained and statutory holidays. Any dog detained and not destroyed may be claimed by the owner upon payment of the fee and expenses in accordance with Schedule "C" to this by-law.

**Fine**

- 10. Every person who contravenes any provision of this by-law is guilty of an offence and liable upon conviction to a fine not exceeding **FIVE THOUSAND (\$5,000.00) DOLLARS**, exclusive of costs, for each offence, and every such fine is recoverable under the *Provincial Offences Act*.

**Continuing Violation**

- 11. Each day a violation continues shall be deemed a separate offence.

**Cancellation of Licences**

- 12. In addition to any other fees or penalties which may be imposed under this by-law, if a person within a period of six (6) months is convicted on more than three (3) separate occasions of a breach of this by-law, the Corporation of the Town of Cochrane Convicting Authority may cancel all licenses held by such person under the provisions of this by-law, and on cancellation of a licence, such person shall not be issued a further licence for a period of twelve (12) months from the date of such cancellation.

**GENERAL**

- 13. If any provision of this by-law is declared invalid for any reason by a Court of competent jurisdiction, the remainder of the by-law shall continue in force.
- 14. This By-law shall come into force and effect only upon the repeal of **By-law Number 2849-96**.
- 15. This By-law shall come into full force and effect immediately upon the passing thereof.

READ a first and second time this 14<sup>th</sup> day of May, 2001.

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CLERK

READ a third time and finally passed this 14<sup>th</sup> day of May, 2001.

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CLERK

CERTIFIED A TRUE COPY  
OF ORIGINAL

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D-CLERK-

**SCHEDULE "A" TO BY-LAW NUMBER: 124-2001****DEFINITION OF URBAN AND RURAL AREA**

THE RURAL AREA IS DEFINED AS that portion of the Town of Cochrane which was previously within the territorial area of the Corporation of the Township of Glackmeyer and the geographic area of the Township of Lamarche prior to the amalgamation with the Town of Cochrane (but excluding the area known as Vaillancourt Trailer Park)

THE URBAN AREA IS DEFINED AS that portion of the Town of Cochrane which was previously within the territorial area of the Corporation of the Town of Cochrane prior to the amalgamation with the Corporation of the Township of Glackmeyer and the Township of Lamarche but also includes the area known as the Vaillancourt Trailer Park.

SCHEDULE "B" TO BY-LAW NUMBER: 124-2001

## RURAL AREA LICENCE FEES

Each Male Dog (Not neutered)	\$40.00 lifetime tag
Each Female Dog ( Not Spayed)	\$40.00 lifetime tag
Each Neutered Male Dog	\$20.00 lifetime tag
Each Spayed Female Dog	\$20.00 lifetime tag
Where an Owner has Multiple Dogs (Annual Rural Rate)	\$100.00 per annum charge
Replacement fee for lost licence tag(s)	\$10.00
Licence to Operate a Kennel	no fee

## URBAN AREA LICENCE FEES

First Male Dog (Not neutered)	\$40.00 lifetime tag
Each Additional Male Dog (Not neutered)	\$40.00 lifetime tag
First Female Dog ( Not Spayed)	\$40.00 lifetime tag
Each Additional Female Dog (Not Spayed)	\$40.00 lifetime tag
Each Neutered Male Dog	\$20.00 lifetime tag
Each Spayed Female Dog	\$20.00 lifetime tag
Replacement fee for lost licence tag(s)	\$10.00
Licence to Operate a Kennel	\$1,000.00 per annum

## NOTE:

1. Veterinarian's Certificate is necessary to certify that dogs have been spayed or neutered;
2. For the purposes of this Schedule "B", "Multiple Dogs" means more than two (2) dogs.
3. For the purposes of this schedule "lifetime" refers to the lifetime of the dog.

SCHEDULE "C" TO BY-LAW NUMBER: 124-2001

## FEES PAYABLE

For any dog impounded and detained for the first time	\$50.00
For any dog impounded a second time within a period of two (2) years from the time of the first impounding	\$75.00
For any dog impounded a third time within a period of two (2) years from the time of the first impounding	\$100.00
Daily Maintenance fee	\$10.00
Any veterinary fees incurred for the dog.	100% coverage

**SCHEDULE OF SET FINES TO BY-LAW NUMBER: 124-2001**

<b>ITEM</b>	<b>COLUMN 1 (Short Form Wording)</b>	<b>COLUMN 2 (Defining Offences)</b>	<b>COLUMN 3 (Set Fines) (Includes Costs)</b>
1	Own Unlicensed Dog	Section 3(a)	\$50.00
2	Fail To Renew Annual Licence	Section 3(a)	\$50.00
3	Dog Tag Not Fixed To Dog	Section 3(c)	\$50.00
4	Keep More Than Two Dogs On Premises	Section 5(a)	\$50.00
5	Failing to Keep Dog Leashed	Section 7(a)	\$50.00
6	Permit Dog to Trespass On Private Property	Section 7(b)	\$50.00
7	Permit Dog To Run At Large	Section 7(c)	\$50.00
8	Failure To Remove Excrement	Section 7(r)	\$50.00
9	Permit Dog To Disturb By Making Noise	Section 7(q)(2)	\$50.00

Note: The penalty provision for the offences indicated above is Section 10 of By-Law Number 124-2001, a certified copy of which has been filed.